

The EUFJE Budapest 2014 Conference Declaration

on

ENVIRONMENTAL RESPONSIBILITY

I. Fundamentals

1. Legal liability is based on moral responsibility. As members of European nations, as well as citizens of the Globe, we feel reasonable responsibility for our environment, for safeguarding the constituent elements of nature: our natural capital. We have recognized that – especially in developed countries – the methods of production and consumption are no more sustainable. The world uses one and a half times more natural resources than the Globe can reproduce.

2. Therefore, environmental protection has become inseparable from regulating the economy and defining the principles of social justice, as well as justice between societies. Additionally, it is our responsibility to pass Earth on to future generations at least in a state we received it from our ancestors, including free access to and free choice between natural resources, prohibition of their full exhaustion, as well as preservation of the quality of Earth as our habitat.

3. We acknowledge and aim at ensuring each generation's equal right to an appropriate quality of life, including preservation of and discharging all duties relating to our natural heritage.

4. We agree with the endeavours to express the well-being and happiness of humanity through indicators that are more complex than raw monetary indices, as we do believe that there are other value factors to be considered besides those appreciated by the market.

5. As nature protection, ecology, environmental protection, resource and waste management, energy efficiency, the use of renewable resources, consumer protection and healthcare, as well as many other issues are getting more and more interwoven – in accordance with the principle of integrating environmental protection into other policies –, it is necessary that professionals, including judges, acquire an ecological, environmentally conscious approach: they should realize that no static balance can be achieved between factors having influence over the environment. Environmental elements, as well as social and economic forces affecting them, are in continuous interaction – a corresponding dialogue should be conducted between professionals of different fields: between ecologists, economists, sociologists, jurists, as well as the representatives of other professions concerned.

6. Our aim is to promote harmony: harmony with nature's capacities and harmony between nations; enhancing justice in society so that its members could live in harmony with one another and with the environment.

7. Considering the international, as well as European results achieved so far in the field of environmental responsibility, the task of legal systems is to provide legal protection for people suffering from environmental pollution and/or exposed to environmental load, thus

defending the right to life and human dignity. Legal systems should therefore, by making use of environmental innovations, foster the realization of strategies that lead to green economy and decrease the use of resources and energy.

8. Legislators and legal practitioners play an important role in fostering sustainable development, as well as in making a wide range of society familiar with it, furthermore in the enforcement of environmental responsibility.

9. Legal responsibility for the environment is based on social and ecological cohesion i.e. supposing that in questions concerning basic values, we see ourselves as belonging together in concentric circles: in our village, city, country, in Europe and on Earth.

Based on this common responsibility of legal and moral nature, the signatories to the Declaration draw attention to the followings:

II. Principal considerations

1. Signatories to the Declaration acknowledge that sustainable society necessitates social justice. The latter is based on providing equal access to opportunities and on common bearing of social burdens. Further requirements for a sustainable and just society are the preservation and improvement of environmental quality and quality of life, as well as the sustainable use of natural resources. In order to realize the above, the environmentally conscious and environmentally ethical conduct of society is necessary, as well as environmental education pursuing these goals.

2. Signatories to the Declaration consider the protection and representation of the biosphere and of goods without market value their pre-eminent task, as well as establishing and strengthening the position of the relevant institutions, especially of

- civil society organizations,
- autonomous environmental agencies,
- and the environmental judiciary.

Signatories to the Declaration consider the introduction of the institution of the Ombudsman for Future Generations on national and regional levels, as well as in the United Nations desirable, taking into account the already existing examples of the institution, including that in Hungary.

3. Signatories to the Declaration assign special significance to the general protection of biological diversity, recognizing that natural values are unique and irrecoverable parts of the national heritage; their management and the improvement of their condition, as well as their preservation is the common concern of humanity and as such has outstanding importance for the benefit of present and future generations.

4. Signatories to the Declaration urge early and efficient social participation in environmental decision-making, as it strengthens the transparency of the economic, governmental and intergovernmental spheres, and thereby enhances democracy.

5. Signatories to the Declaration attribute special significance to the principle of the rule of law, including the environmental rule of law, as well as to the fundamental principles of environmental protection and environmental law, especially in cases of lacking or insufficient regulations.

6. Signatories to the Declaration also emphasize the significance of the enforcement of environmental responsibility, in accordance with the principles of precaution, prevention and with the “polluter pays” doctrine, in order to prevent, reduce and eliminate environmental pollution, considering that environmental damage can primarily be avoided at its source, by ensuring the reasonable management of natural resources while respecting local conditions.

7. Signatories to the Declaration shall contribute to and pursue dialogues with legislators and governmental agencies so as to obtain the widest acceptance of the above Principal considerations.

III. Measures

1. We deem it necessary to organize training programs continuously, as well as to reform the existing training programs by involving joint participation of professionals from the fields of environmental protection, nature protection and ecology – including also legislators, judges and other legal practitioners, as well as civil society organizations.

2. Where applicable, one must support any action in favour of green economy, both in legislation and application of law.

3. The fundamental principles of environmental protection and environmental law should serve as guidelines both for legislators and legal practitioners, especially in cases of lacking or insufficient regulations.

4. It must be promoted that people exposed to environmental load and/or suffering from environmental pollution be aware of the means of legal protection and become able to use them efficiently.

5. We promote all endeavours that may lead to the establishment of new legal institutions and new means of legal protection, in order to defend the values mentioned in the Fundamentals.

Budapest, 18 October 2014